

FIFTY-FOURTH DAY - APRIL 9, 2002

LEGISLATIVE JOURNAL

**NINETY-SEVENTH LEGISLATURE
SECOND SESSION**

FIFTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 9, 2002

PRAYER

The prayer was offered by Senator Price.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senators Janssen, Landis, and Wickersham who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-third day was approved.

SELECT FILE

LEGISLATIVE BILL 1211. Senator Beutler moved to indefinitely postpone.

SPEAKER KRISTENSEN PRESIDING

Senators Maxwell, Bruning, Redfield, McDonald, and Brashear asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Beutler withdrew his motion to indefinitely postpone.

Senator Beutler offered the following amendment:
AM3643

(Amendments to E & R amendments, AM7180)

- 1 1. On page 30, line 7, after "by" insert "unanimous vote
- 2 of".

Senator Bromm offered the following amendment to the Beutler pending amendment:

FA1065

Amend AM3643

strike the word "unanimous" and insert "a 3/4".

Senators Stuhr and Synowiecki asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Bromm withdrew his amendment.

Senator Bromm offered the following amendment to the Beutler pending amendment:

FA1067

Amend AM3643

"A vote of 75% of the members if 4 or more, or by 2/3 of the members if less than 4 members of"

Senator Bromm moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The Bromm amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Senators Kremer and McDonald asked unanimous consent to be excused until they return. No objections. So ordered.

SENATOR DW. PEDERSEN PRESIDING

Senator Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

The Beutler amendment, as amended, was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Senator Beutler offered the following amendment:
AM3460

(Amendments to E & R amendments, AM7180)

- 1 1. On page 31, strike beginning with "It" in line 10
- 2 through the period in line 14 and insert "No general funds shall be
- 3 appropriated to the fund until legislation has been passed
- 4 identifying the share of the costs to be paid by the State of
- 5 Nebraska and specifically authorizing the transfer of funds.".

Senator Cudaback asked unanimous consent to be excused until he returns. No objections. So ordered.

The Beutler amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Senator Bromm withdrew his pending amendment, AM3601, found on page 1540.

Senator Brashear asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Wickersham offered the following amendment:

FA1066

Amend AM7180

Line 10 pg 30 starting with "the" strike all language through "district" in
Line 15 pg 30

Senators Price, Engel, Jensen, and Dierks asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Landis moved the previous question. The question is, "Shall the debate now close?" The motion failed with 13 ayes, 12 nays, and 24 not voting.

Senators Aguilar, Landis, McDonald, and Byars asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

AMENDMENTS - Print in Journal

Senators Raikes and Bromm filed the following amendment to LB 729:
AM3560

- 1 1. Insert the following new section:
- 2 "Sec. 7. Section 23-114.03, Revised Statutes Supplement,
- 3 2001, is amended to read:
- 4 23-114.03. Zoning regulations shall be adopted or
- 5 amended by the county board only after the adoption of the county
- 6 comprehensive development plan by the county board and the receipt
- 7 of the planning commission's specific recommendations or by
- 8 adopting temporary zoning as provided in sections 23-115 to
- 9 23-115.02. Such zoning regulations shall be consistent with an
- 10 adopted comprehensive development plan and designed for the purpose
- 11 of promoting the health, safety, morals, convenience, order,
- 12 prosperity, and welfare of the present and future inhabitants of
- 13 Nebraska, including, among others, such specific purposes as:
- 14 (1) Developing both urban and nonurban areas;
- 15 (2) Lessening congestion in the streets or roads;
- 16 (3) Reducing the waste of excessive amounts of roads;
- 17 (4) Securing safety from fire and other dangers;
- 18 (5) Lessening or avoiding the hazards to persons and

- 19 damage to property resulting from the accumulation or runoff of
20 storm or flood waters;
- 21 (6) Providing adequate light and air;
- 22 (7) Preventing excessive concentration of population and
23 excessive and wasteful scattering of population or settlement;
- 24 (8) Promoting such distribution of population, such
1 classification of land uses, and such distribution of land
2 development as will assure adequate provisions for transportation,
3 water flowage, water supply, drainage, sanitation, recreation, soil
4 fertility, food supply, and other public requirements;
- 5 (9) Protecting the tax base;
- 6 (10) Protecting property against blight and depreciation;
- 7 (11) Securing economy in governmental expenditures;
- 8 (12) Fostering the state's agriculture, recreation, and
9 other industries;
- 10 (13) Encouraging the most appropriate use of land in the
11 county; and
- 12 (14) Preserving, protecting, and enhancing historic
13 buildings, places, and districts.
- 14 Within the area of jurisdiction and powers established by
15 section 23-114, the county board may divide the county into
16 districts of such number, shape, and area as may be best suited to
17 carry out the purposes of this section and regulate, restrict, or
18 prohibit the erection, construction, reconstruction, alteration, or
19 use of nonfarm buildings or structures and the use, conditions of
20 use, or occupancy of land. All such regulations shall be uniform
21 for each class or kind of land or buildings throughout each
22 district, but the regulations in one district may differ from those
23 in other districts. Counties shall determine whether ~~nonfarm~~
24 buildings used as residences shall be subject to a county's
25 respective zoning regulations and permit requirements. An official
26 map or maps indicating the districts and regulations shall be
27 adopted, and within fifteen days after adoption of such regulations
1 or maps, they shall be published in book or pamphlet form or once
2 in a legal newspaper published in and of general circulation in the
3 county or, if none is published in the county, in a legal newspaper
4 of general circulation in the county. Such regulations shall also
5 be spread in the minutes of the proceedings of the county board and
6 such map or maps filed with the county clerk.
- 7 For purposes of this section and section 23-114.04,
8 nonfarm buildings are all buildings except those buildings utilized
9 for agricultural purposes on a farmstead of twenty acres or more
10 which produces one thousand dollars or more of farm products each
11 year."
- 12 2. On page 10, line 8, strike "section 17-1002" and
13 insert "sections 17-1002 and 23-114.03".
- 14 3. Renumber the remaining section accordingly.

Senator Jensen filed the following amendment to LB 1062:
AM3623

(Amendments to E & R amendments, AM7214)

- 1 1. Insert the following new section:
- 2 "Sec. 59. Section 71-7611.06, Revised Statutes
- 3 Supplement, 2001, is amended to read:
- 4 71-7611.06. (1) It is the intent of the Legislature to
- 5 appropriate five hundred thousand dollars in fiscal year 2001-02
- 6 from the Nebraska Health Care Cash Fund to the Legislative Council
- 7 for the purpose of an evaluation and planning study relating to the
- 8 delivery of publicly funded health and human services in the State
- 9 of Nebraska to be directed by the Health and Human Services
- 10 Committee of the Legislature. The chairperson of the committee
- 11 shall submit a plan for the study to the Legislature on or before
- 12 September 1, 2001, and the study shall be completed on or before
- 13 January 1, 2003. The committee shall report its findings and
- 14 recommendations to the Governor and to the Legislature on or before
- 15 January 1, 2003. This section terminates on January 1, 2003.
- 16 (2) The Health and Human Services Committee of the
- 17 Legislature shall conduct research and provide recommendations
- 18 relating to, but not limited to, (a) the provision of prescription
- 19 drug assistance to persons in the State of Nebraska; (b) the
- 20 Nebraska Partnership for Health and Human Services Act; (c) the
- 21 state medical assistance program established in section 68-1018;
- 22 (d) the Welfare Reform Act; (e) the statewide public health system;
- 23 and (f) the Nebraska Health Care Funding Act. The committee shall
- 1 provide such recommendations to the Governor and to the Legislature
- 2 on or before December 1, 2002.
- 3 (3) This section terminates on January 1, 2003."
- 4 2. On page 81, line 26, strike the second "and"; and in
- 5 line 27 after the first comma insert "and 71-7611.06,".
- 6 3. Renumber the remaining sections and correct internal
- 7 references accordingly.

Senator Jensen filed the following amendment to LB 1021:
(Amendment, AM3516, is on file in the Clerk's Office - Room 2018.)

Senator Quandahl filed the following amendment to LB 957:
AM3649

(Amendments to E & R amendments, AM7219)

- 1 1. On page 55, line 24, after "and" insert "(a)"; and in
- 2 line 26 after "rewritten" insert "or (b) the holder of the loan
- 3 contract shall send notice to the buyer within fifteen business
- 4 days after cancellation of the name, address, and telephone number
- 5 of the insurance company which issued the insurance contract or the
- 6 party responsible for any refund and notice that the buyer may be
- 7 eligible for a refund. A copy of such notice shall be retained by
- 8 the holder of the loan contract".
- 9 2. On page 56, line 11, before "of" insert "after

10 payment of the sums due"; and in line 15 strike "installment" and
11 insert "loan".

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following appointments:

Adams, Greg - Nebraska Information and Technology Commission -
Transportation and Telecommunications

Brown, Eric - Nebraska Information and Technology Commission -
Transportation and Telecommunications

Peterson, Trev - Nebraska Information and Technology Commission -
Transportation and Telecommunications

Smith, L. Dennis - Nebraska Information and Technology Commission -
Transportation and Telecommunications

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

VISITORS

Visitors to the Chamber were a group of 46 from Columbus; seniors from Nebraska Christian School, Central City; 33 fourth-grade students, teachers, and Senator Bruning's mother-in-law, Judy Niemack, from Wood River; and government students from Westside High School, Omaha.

RECESS

At 12:02 p.m., on a motion by Senator Robak, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Kristensen presiding.

ROLL CALL

The roll was called and all members were present except Senators Beutler, Bourne, Brashear, Brown, Cudaback, Cunningham, Dierks, Engel, Foley, Kremer, Kruse, Dw. Pedersen, D. Pederson, Quandahl, Schrock, Thompson, and Wehrbein who were excused until they arrive.

AMENDMENT - Print in Journal

Senator Beutler filed the following amendment to LB 1211:
AM3468

(Amendments to AM3060)

- 1 1. On page 9, line 2, after "fund" insert ". The
- 2 commission shall be reimbursed from the fund for all costs related
- 3 to drafting, implementing, and enforcing the regulations and any
- 4 other services provided on behalf of customers pursuant to this
- 5 subdivision".

GENERAL FILE

LEGISLATIVE BILL 921. Title read. Considered.

The Standing Committee amendment, AM2469, found on page 429, was considered.

Senator Connealy offered the following amendment to the Standing Committee amendment:
AM3644

(Amendments to Standing Committee amendments, AM2469)

- 1 1. Strike amendment 1 and insert the following
- 2 amendments:
- 3 "1. Insert the following new section:
- 4 'Sec. 4. Since an emergency exists, this act takes
- 5 effect when passed and approved according to law.'.
- 6 2. On page 5, lines 21 and 22, strike 'allocated by and'
- 7 and insert 'shared'; and in line 23 after 'contract' insert '. The
- 8 term professional employer agreement shall not include a contract
- 9 between a parent corporation, company, or other entity and a wholly
- 10 owned subsidiary'.
- 11 3. On page 10, line 22, strike 'and'; and in line 23
- 12 after '(32)' insert 'Wholly owned subsidiary means a corporation,
- 13 company, or other entity which has eighty percent or more of its
- 14 outstanding voting stock or membership owned or controlled,
- 15 directly or indirectly, by the parent entity; and
- 16 (33)'.
- 17 4. On page 20, line 17, after the period insert 'An
- 18 employee of a wholly owned subsidiary shall be considered to be
- 19 concurrently employed by the parent corporation, company, or other
- 20 entity and the wholly owned subsidiary whether or not both
- 21 companies separately provide remuneration.'.
- 22 2. Renumber the remaining amendment accordingly.

The Connealy amendment was adopted with 26 ayes, 0 nays, 6 present and not voting, and 17 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 26 ayes, 0 nays, 6 present and not voting, and 17 excused and not voting.

Senator Connealy withdrew his pending amendment, AM2960, found on page 855.

Advanced to E & R for review with 26 ayes, 0 nays, 7 present and not voting, and 16 excused and not voting.

LEGISLATIVE BILL 994. Title read. Considered.

The Standing Committee amendment, AM2625, printed separately and referred to on page 562, was considered.

Senator Wickersham withdrew his pending amendment, AM2895, found on page 752.

Senator Wickersham renewed his pending amendment, AM3565, found on page 1471, to the Standing Committee amendment.

The Wickersham amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Senator Kremer asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Hartnett withdrew his pending amendment, AM2984, found on page 808.

Senator Hartnett renewed his pending amendment, AM3564, found on page 1470, to the Standing Committee amendment.

The Hartnett amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Senator Wickersham offered the following amendment:
AM3655

- 1 1. Insert the following new section:
- 2 "Sec. 16. Section 77-3618, Revised Statutes Supplement,
- 3 2000, is amended to read:
- 4 77-3618. (1) The County Property Tax Relief Program is
- 5 created. The program shall be used to distribute money to county
- 6 governments to provide property tax relief and equalize county
- 7 capacity to pay for public services from property taxes. Funds
- 8 shall be distributed on or before September 1 each year by the
- 9 Department of Revenue according to the formula created in this
- 10 section.
- 11 (2) The department shall calculate the amount to be
- 12 distributed to each county as follows:

- 13 (a) The county capacity shall be determined for each
 14 county. This amount is the assessed value of the county for the
 15 prior year multiplied by the county local effort rate, which is a
 16 tax rate of one and seven-tenths cents per one hundred dollars
 17 valuation, divided by the number of road miles maintained by the
 18 county;
- 19 (b) The statewide county capacity shall be determined.
 20 This amount is the statewide assessed value for the prior year
 21 multiplied by the county local effort rate, which is a tax rate of
 22 one and seven-tenths cents per one hundred dollars valuation,
 23 divided by the number of road miles maintained by all counties;
- 24 (c) The amount of aid due a county shall be determined by
 1 subtracting the county capacity from the statewide county capacity,
 2 if the result is a positive number, this amount multiplied by the
 3 number of county road miles is the amount to be distributed to the
 4 county subject to subdivision (d) of this subsection; and
- 5 (d) The amount distributed to a county shall not exceed
 6 an amount equal to the result of a tax rate of five cents per one
 7 hundred dollars on the assessed value of the county.
- 8 (3) The Department of Roads shall provide the county
 9 road-mile information for all counties each year to the Department
 10 of Revenue. The information provided shall be the same as
 11 determined under section 39-2507.
- 12 (4) ~~The Legislature shall appropriate five million five~~
 13 ~~hundred thousand dollars for fiscal year 1998-99 to the program~~
 14 ~~from the General Fund for purposes of this section. If sufficient~~
 15 ~~funds are not appropriated to fully fund the provisions of this~~
 16 ~~section, the Department of Revenue shall make a proportionate~~
 17 ~~reduction in each distribution made pursuant to this section."~~
 18 2. Renumber the remaining sections accordingly.

The Wickersham amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 994A. Title read. Considered.

Senator Wickersham offered the following amendment:
 AM3652

- 1 1. On page 2, line 1, strike "\$66,500" and insert
 2 "\$46,000"; in line 2 strike "\$63,500" and insert "\$20,000"; and
 3 strike lines 7 through 9 and insert:
 4 "No expenditures for permanent and temporary salaries and
 5 per diems for state employees shall be made from funds appropriated
 6 in this section."

The Wickersham amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 1084. Title read. Considered.

Senator Chambers offered the following amendment:

FA1068

P. 2, line 4 strike "the highest priority must" and insert "consideration should".

SENATOR CUDABACK PRESIDING

The Chambers amendment was adopted with 26 ayes, 1 nay, 21 present and not voting, and 1 excused and not voting.

Senator Chambers moved to indefinitely postpone LB 1084.

Laid over.

LEGISLATIVE BILL 989A. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, and 22 present and not voting.

LEGISLATIVE BILL 1033A. Title read. Considered.

Senator Wickersham renewed his pending amendment, AM3613, found on page 1488.

The Wickersham amendment was adopted with 26 ayes, 0 nays, and 23 present and not voting.

Advanced to E & R for review with 28 ayes, 0 nays, and 21 present and not voting.

LEGISLATIVE BILL 1003A. Title read. Considered.

Senator Schrock renewed his pending amendment, AM3614, found on page 1488.

The Schrock amendment was adopted with 27 ayes, 0 nays, and 22 present and not voting.

Advanced to E & R for review with 30 ayes, 0 nays, and 19 present and not voting.

SELECT FILE

LEGISLATIVE BILL 687A. Advanced to E & R for engrossment.

RESOLUTION

LEGISLATIVE RESOLUTION 386. Read. Considered.

LR 386 was adopted with 32 ayes, 0 nays, and 17 present and not voting.

SPEAKER KRISTENSEN PRESIDING

**APPROPRIATIONS COMMITTEE REPORT
ON LB 1309**

Pursuant to Rule 6, Section 14, the Appropriations Committee has examined the Governor's line-item vetoes contained in LB 1309.

Total General Fund appropriations as the result of the vetoes are summarized on the attached schedule, "FY2001-02 and FY2002-03 General Fund Appropriations (After Vetoes)."

The Appropriations Committee will make a recommendation on overrides at a later date.

(Attached schedule is on file in the Clerk's Office - Room 2018.)

(Signed) Roger R. Wehrbein, Chair
Appropriations Committee

MOTION - Override Line-Item Vetoes on LB 1309

The Appropriations Committee moved to override the Governor's line-item vetoes on LB 1309, pursuant to Rule 6, Section 14, EXCEPT FOR THE FOLLOWING vetoes to be sustained:

Section 65, Health and Human Services, Program 177, Administration, for \$80,000 in FY2001-02 only.

Section 82, Natural Resources, Program 331, Water Rights Litigation, for \$475,000.

Section 96, Department of Corrections, Program 200, Operations, for \$6,000,000 in FY2001-02 only.

Section 109, Department of Administrative Services, Program 101, for \$450,000 in FY2001-02 only.

Section 149, Department of Administrative Services, for the transfer of \$1,380,000 from the General Fund to the Information Technology Infrastructure Fund.

Pending.

AMENDMENTS - Print in Journal

Senator Aguilar filed the following amendment to LB 1115:
AM3654

(Amendments to E & R amendments, AM7224)

- 1 1. On page 1, line 11, strike "charged with" and insert
- 2 "accused of".
- 3 2. On page 2, line 2, strike "interlocal agreements" and
- 4 insert "agreements under the Interlocal Cooperation Act or the
- 5 Joint Public Agency Act"; and in line 10 strike "jail time" and
- 6 insert "short-term jail time or detention".

Senator Bromm filed the following amendment to LB 1062:
AM3606

(Amendments to E & R amendments, AM7214)

- 1 1. Insert the following new section:
- 2 "Section 1. Section 23-3502, Revised Statutes
- 3 Supplement, 2000, is amended to read:
- 4 23-3502. (1)(a) When a county with a population of three
- 5 thousand six hundred or more and less than two hundred thousand
- 6 inhabitants or with a taxable value of the taxable property of
- 7 twenty-eight million six hundred thousand dollars or more
- 8 establishes a facility or facilities as provided by section
- 9 23-3501, the county board of the county shall proceed at once to
- 10 appoint a board of trustees. Such board shall consist of three,
- 11 five, or seven members as fixed by the county board. All members
- 12 of the board shall be residents of such county.
- 13 (b) When the board is first established, one member shall
- 14 be appointed for a term of two years, one for four years, and one
- 15 for six years from the date they are appointed if the county board
- 16 provides for a three-member board.
- 17 If the county board provides for a five-member board, one
- 18 additional member shall be appointed for four years and one for six
- 19 years. When the board is changed to a five-member board, the three
- 20 members who are serving as such trustees at the time of a change
- 21 from a three-member to a five-member board shall each complete his
- 22 or her respective term of office. The two additional members shall
- 23 be appointed by the county board, one for a term of four years and
- 1 one for a term of six years. Thereafter, as their terms expire,
- 2 members shall be appointed for terms of six years.
- 3 If the county board provides for a seven-member board,
- 4 one additional member shall be appointed for two years and one for
- 5 four years. When the board is changed to a seven-member board, the
- 6 three or five members who are serving as such trustees at the time
- 7 of the change shall each complete his or her respective term of
- 8 office. The two or four additional members shall be appointed by
- 9 the county board. If two additional members are appointed, one
- 10 shall be appointed for four years and one for six years. If four
- 11 additional members are appointed, one shall be appointed for two

12 years, two for four years, and one for six years.

13 (2) ~~Except in any county having a population of more than~~
14 ~~three hundred thousand inhabitants, not over two members of the~~
15 ~~board of trustees shall be from the city in which such facility or~~
16 ~~facilities are located.~~ In any county having a population of more
17 than three hundred thousand inhabitants, a minimum of one member of
18 the board of trustees shall be a resident of the county and shall
19 reside outside the corporate limits of the city in which such
20 facility or facilities are located. In any county having a
21 population of more than three hundred thousand inhabitants, if only
22 one member of the board of trustees resides outside the corporate
23 limits of the city in which the facility or facilities are located
24 and the residence of the member is annexed by the city, he or she
25 shall be allowed to complete his or her term of office but shall
26 not be eligible for reappointment. The trustees shall, within ten
27 days after their appointment, qualify by taking the oath of county
1 officers and by furnishing a bond in an amount to be fixed by the
2 county board. They shall organize as a board of trustees by the
3 election of one of their number as chairperson, one as secretary,
4 and one as treasurer, except that in counties with two hundred
5 thousand inhabitants or more, the county treasurer of the county in
6 which such facility or facilities are located shall be the
7 treasurer of the board of trustees. The treasurer shall receive
8 and pay out all the money under the control of such board as
9 ordered by it and shall report such expenditures and receipts to
10 the county board on a monthly basis and as required by section
11 23-3507. The monthly report shall include a statement of the
12 amount of currently outstanding registered warrants.

13 (3)(a) When a member or trustee is absent from three
14 consecutive board meetings either regular or special without being
15 excused by the remaining members of the board, his or her office
16 shall become vacant and a new member shall be appointed by the
17 county board to fill the vacancy for the unexpired term of such
18 member pursuant to subdivision (3)(b) of this section. Such
19 vacancy shall become effective when the county board finds that
20 there is such a vacancy or fills the same as provided in this
21 subsection.

22 (b) Any member of such board may at any time be removed
23 from office by the county board. Vacancies shall be filled in
24 substantially the same manner as the original appointments are
25 made. The person appointed to fill such a vacancy shall hold
26 office for the unexpired term.

27 (4) In counties having a population of two hundred
1 thousand inhabitants or more, the county board of the county having
2 such facility or facilities, in lieu of appointing a board of
3 trustees of such facility or facilities, may elect to serve as the
4 board of trustees of such facility or facilities. If the county
5 board makes such election, the county board shall assume all the
6 duties and responsibilities of the board of trustees of the

- 7 institution. Such election shall be evidenced by the adoption of a
8 resolution by the county board."
9 2. On page 82, line 5, after "sections" insert
10 "23-3502,".
11 3. Renumber the remaining sections and correct internal
12 references accordingly.

STANDING COMMITTEE REPORT

General Affairs

The General Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

State Electrical Board
Bill Whitmer

VOTE: Aye: Senators Burling, Cunningham, McDonald, Redfield, and Schrock. Nay: None. Absent: Senators Erdman, Janssen, and Synowiecki.

(Signed) Ray Janssen, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 458. Introduced by Jones, 43.

WHEREAS, Kathy Gurnsey of Bassett, Nebraska, was honored as Nebraska's Mother of the Year for the year 2002; and

WHEREAS, this award exemplifies the ideals of successful motherhood: Understanding, patience, compassion, love, courage, character, and community spirit; and

WHEREAS, Kathy & Nick Gurnsey are the parents of three children and the grandparents of three children; and

WHEREAS, Kathy Gurnsey has been actively involved in many community service organizations; and

WHEREAS, Kathy Gurnsey met and exceeded the requirements of this award, all of which demand efficient organizational, time management, and leadership skills.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes and congratulates Kathy Gurnsey as the 2002 Nebraska Mother of the Year.
2. That a copy of this resolution be sent to Kathy Gurnsey.

Laid over.

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 989A. Placed on Select File.

LEGISLATIVE BILL 1033A. Placed on Select File.

LEGISLATIVE BILL 1003A. Placed on Select File.

Correctly Engrossed

The following bill was correctly engrossed: LB 687A.

(Signed) Philip Erdman, Chairperson

MOTION - Override Line-Item Vetoes on LB 1309

The Appropriations Committee renewed their pending motion, found on page 1559, to override the Governor's line-item vetoes on LB 1309, pursuant to Rule 6, Section 14, EXCEPT FOR THE FOLLOWING vetoes to be sustained:

Section 65, Health and Human Services, Program 177, Administration, for \$80,000 in FY2001-02 only.

Section 82, Natural Resources, Program 331, Water Rights Litigation, for \$475,000.

Section 96, Department of Corrections, Program 200, Operations, for \$6,000,000 in FY2001-02 only.

Section 109, Department of Administrative Services, Program 101, for \$450,000 in FY2001-02 only.

Section 149, Department of Administrative Services, for the transfer of \$1,380,000 from the General Fund to the Information Technology Infrastructure Fund.

Senator Chambers offered the following amendment to the Appropriations Committee pending motion:

Add: "Sec. 103 Coordinating Commission for Postsecondary Education - Program 650"

SENATOR COORDSEN PRESIDING

Pending.

VISITORS

Visitors to the Chamber were 67 fourth-grade students and teachers from Tara Heights Elementary School, Papillion; Matt Shultz from North Platte; and 5 students and sponsors from Scottsbluff.

The Doctor of the Day was Dr. Bruce Gfeller from Lincoln.

ADJOURNMENT

At 6:07 p.m., on a motion by Senator Wehrbein, the Legislature adjourned until 9:00 a.m., Wednesday, April 10, 2002.

Patrick J. O'Donnell
Clerk of the Legislature